

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ramsey AlQaisi	Team: Team # 1	CCRB Case #: 201405153	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/04/2014 2:25 AM	Location of Incident: East 149th Street and Tinton Avenue	18 Mo. SOL 11/4/2015	Precinct: 40		
Date/Time CV Reported Tue, 05/27/2014 4:06 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 05/27/2014 4:06 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Shoumendra Nandy	12442	953167	PBBX
2. POF Eliza Amador	19097	954481	PBBX
3. POM Jorge Aguila	10010	954465	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Shoumendra Nandy	Abuse: PO Shoumendra Nandy stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Shoumendra Nandy	Abuse: PO Shoumendra Nandy stopped § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Shoumendra Nandy	Abuse: PO Shoumendra Nandy frisked § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Jorge Aguila	Abuse: PO Jorge Aguila frisked § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b) § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On May 4, 2014, at approximately 2:25 a.m., PO Shoumendra Nandy of Patrol Borough Bronx stopped § 87(2)(b) and § 87(2)(b) at the corner of East 149th Street and Tinton Avenue in the Bronx (**Allegations A and B**). PO Eliza Amador and PO Jorge Aguila responded to assist PO Nandy. § 87(2)(b) alleged that PO Nandy frisked him and § 87(2)(b) and that PO Aguila frisked § 87(2)(b) (**Allegations C and D**). § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

This case was first assigned to Investigator Carayannis and then re-assigned to Investigator Okafor. Due to Investigator Okafor leaving the agency, this case was re-assigned to Investigator AlQaisi on August 26, 2014.

Mediation, Civil and Criminal Histories

§ 87(2)(b) refused to mediate his complaint. As of October 7, 2014, § 87(2)(b) has not filed a Notice of Claim with the City of New York with regard to the incident (encl. 16). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(g)] (encl. 14g).

Civilian and Officer CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (4a-4c).
- This is PO Nandy, PO Aguila and PO Amador's first CCRB complaint (encl. 3a-3c).

Conclusion

Identification of Subject Officer

PO Nandy acknowledged deciding to stop § 87(2)(b) and § 87(2)(b) and frisking § 87(2)(b) and § 87(2)(b). PO Amador and PO Aguila responded to PO Nandy's call for assistance. § 87(2)(g). § 87(2)(b) also alleged that PO Aguila frisked § 87(2)(b) § 87(2)(g).

§ 87(2)(b)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority – PO Shoumendra Nandy stopped § 87(2)(b)
§ 87(2)(b) alleged that PO Nandy stopped § 87(2)(b). PO Nandy stated that he asked § 87(2)(b) for identification but § 87(2)(b) immediately walked away and left in a taxi. PO Nandy denied having any further contact with § 87(2)(b) and only prepared Stop, Question and Frisk reports for § 87(2)(b) and § 87(2)(b). PO Aguila and PO Amador stated that PO Nandy stopped and frisked all three males. PO Aguila stated that one or two of the males entered a taxi. PO Amador stated that one of the males stood to the side and hailed a cab. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B: Abuse of Authority - PO Shoumendra Nandy stopped § 87(2)(b) and § 87(2)(b)

Allegation C: Abuse of Authority - PO Shoumendra Nandy frisked § 87(2)(b) and § 87(2)(b)

It is undisputed that PO Nandy stopped and frisked § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) were trying to hail a cab on the opposite corner that he was trying to hail a cab (encl. 6b). § 87(2)(b) saw PO Nandy, PO Aguila and PO Amador approach § 87(2)(b) and § 87(2)(b). PO Nandy frisked § 87(2)(b) and PO Aguila frisked § 87(2)(b). Then, PO Nandy called over to § 87(2)(b) and told him to cross the street. When § 87(2)(b) crossed the street, PO Nandy frisked § 87(2)(b). PO Nandy asked § 87(2)(b) for identification and he provided it. After PO Nandy wrote down § 87(2)(b) information, § 87(2)(b) and § 87(2)(b) caught a cab on the corner.

PO Nandy stated that he heard one or two gunshots and saw § 87(2)(b) and § 87(2)(b) walking towards him from the direction of the gunshots (encl. 8f-8g). PO Nandy called PO Aguila on his cellphone and told him to respond to his location. § 87(2)(b) and § 87(2)(b) were having a conversation as they walked towards PO Nandy. PO Nandy stopped § 87(2)(b) and § 87(2)(b) because they were coming from the direction of the gunshots, and because there is a high incidence of robberies in the area.

PO Nandy stated that PO Aguila and PO Amador arrived around the same time he stopped the individuals. PO Nandy asked the men for identification. § 87(2)(b) and § 87(2)(b) provided identification but § 87(2)(b) got into a cab and left. Then, PO Nandy frisked § 87(2)(b) and § 87(2)(b). PO Nandy suspected § 87(2)(b) and § 87(2)(b) of having a weapon because of the gunshots and high incidence of robberies in the area. No weapons were recovered as a result of the frisks.

Both PO Aguila and PO Amador stated that PO Nandy had already stopped § 87(2)(b) and § 87(2)(b) by the time that they arrived and that PO Nandy frisked all three individuals. PO Amador did not see any bulges on the men but did not recall if she suspected that they were armed. PO Aguila did not recall seeing any bulges but did not see anything indicating that the men were armed.

According to the Stop, Question and Frisk reports, PO Nandy stopped § 87(2)(b) and § 87(2)(b) for the following factors; furtive movements, actions indicative of engaging in violent crimes, coming from the direction of shots fired, the area has a high incident of reported offense, the proximity to the scene of suspected offense and sights and sounds of criminal activity. PO Nandy frisked § 87(2)(b) and § 87(2)(b) because of furtive movements, suspected violent crime, and because they came from the direction of shots fired (encl. 11i-11r).

The event index revealed one report of shots fired approximately 20 minutes prior to the stop approximately one mile away (encl. 11n). The description provided for the suspect was a dark-skinned black male, possibly Hispanic, wearing a black hoodie (encl. 11a). PO Nandy noted this event number in his memo book in regards to the incident (encl. 8b).

An officer may stop an individual when there is reasonable suspicion to believe that individual has committed, is committing or is about to commit a crime. A frisk is permitted when the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed. People v. DeBour, 40 N.Y. 2d 210 (1976) (encl. 1a-1k). A radio transmission furnishing a general description of a man with a gun does not alone constitute reasonable suspicion. People v. Grant, 184 A.D.2d 242 (App. Div. 1st Dep't. 1992) (encl. 1l); People v. Bilal, 41 Misc.3d 1203 (A) (Sup. Ct. New York Cty. 2013) (encl. 1m-p); People v. Crump, 217 A.D.2d 902 (App. Div. 4th Dep't. 1995) (encl. 1q).

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted].

Allegation D: Abuse of Authority - PO Jorge Aguila frisked § 87(2)(b) [Redacted]
§ 87(2)(b) [Redacted] alleged that PO Aguila frisked § 87(2)(b) [Redacted] PO Aguila and PO Amador denied frisking § 87(2)(b) [Redacted] and stated that PO Nandy frisked all three individuals. PO Nandy denied frisking § 87(2)(b) [Redacted] PO Amador documented on a fly sheet in her memo book that PO Nandy “tossed three males (w/PO Aguila as well)”. § 87(2)(g) [Redacted]

[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g), § 87(4-b) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted].

Team: 1

Investigator: _____ Ramsey AlQaisi _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date